

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

WILLIAM CONNELLY

UNITED STATES MAGISTRATE JUDGE

6500 CHERRYWOOD LANE

GREENBELT, MARYLAND 20770

(301) 344-0627

February 26, 2016

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Re: *United States v. Pedrina Rodriguez Bonilla*
Case No. RWT 16-052

Dear Counsel:

Pending before the court is the defendant's request to review the Order of Detention entered by the court on February 5, 2016 (ECF No. 11) in light of the production of summaries of recorded jail conversations. Ms. Bonilla is charged with conspiracy to commit mail and wire fraud in violation of 18 U.S.C. §1349.

Following a detention hearing on February 5, 2016, the court found that there was a serious risk that the defendant would not appear and that there was no condition or combination of conditions which would reasonably assure the defendant's presence at trial. The court made eighteen factual findings. Important to the flight risk analysis was that the defendant had no legal status in this country even though she had resided in the United States since 2007, and that there were recorded jail calls between the defendant and her detained husband discussing the possibility of Ms. Bonilla then pregnant¹ leaving the United States and residing in El Salvador with her parents.

At the time of the detention hearing the Government's attorney did not have either transcripts or summaries of the jail calls. Since that time summaries of the jail calls have been provided to the court and the defense. The summaries of the calls comprise 80 pages and cover the period of June 5, 2015 through October 28, 2015.

A hearing was held on February 18, 2016 to review the recorded jail conversations. At the beginning of the hearing the Government informed the court that no Immigration and Customs

¹ Ms. Bonilla has subsequently given birth and is the mother of a six month old child.

Enforcement (ICE) Detainer would be issued for Ms. Bonilla prior to any adjudication of guilt. If Ms. Bonilla was found guilty she would be subject to deportation. Counsel for the Government and counsel for Ms. Bonilla then reviewed summaries of the calls and highlighted portions of calls that each counsel believed supported their position for either pretrial detention or release conditions. Following counsel's presentation the court took the matter under advisement to review the content and context of the calls.

The court has now reviewed the summaries of the calls. Many of the calls are highly emotional expressing the fears, frustrations, uncertainty, and anxiety of the two callers over the husband's detained status, possible criminal exposure of both callers, lack of financial support, the impending birth of their child, and the demands of people who have been defrauded for the return of their funds. After reading the summaries the court believes it assigned too heavy a weight to this evidence at the initial hearing. While some comments by the defendant in the 80 page document are worthy of note, taken as a whole and considering the context of the calls, the court does not believe the summaries support a finding that the defendant has an intent to not be present for trial.

The court believes that conditions of release can be set. These conditions would include: 1) Pretrial services supervision; 2) Restricted to a residence to be approved in advance by PTS and not move without prior PTS approval; 3) 24 hour/7 day a week home detention with electronic monitoring with release for court appearances, attorney meetings, and medical appointments; 4) Travel restricted to the District of Maryland; 5) No contact with co-defendants (excluding husband), witnesses and victims; 6) Surrender of any passport and obtain no new travel documents; 7) Substance abuse testing and treatment as deemed appropriate by PTS; 8) No access to bank accounts or credit accounts; 9) No internet access. The court will entertain other conditions suggested by counsel. The court will STAY this order until Wednesday, March 2, 2016 to permit the Government to note an appeal of this decision.

Sincerely,



William Connelly
United States Magistrate Judge